

AMENDMENTS TO THE DRAWINGS:

Please find attached in the Appendix a replacement drawing sheet which reflects the addition of reference numerals 3a, 3b on Figures 1 and 4 so as to more clearly illustrate a wall of the retaining member and more than half of a surface area of the wall as being perforated.

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of November 16, 2007. All of the Examiner's objections and rejections are responded to herein. Reexamination and reconsideration of the application is requested.

In The Office Action

Claims 1-18, 22 and 24-29 remain in the application.

The Drawings are objected to for not showing every feature of the invention specified in the claims.

Insertion of section headings and using the preferred layout for the specification is suggested as provided in 37 CFR 1.77(b).

The Amendment filed on 9/14/2007 is objected to under 35 U.S.C. 132(a) for introduction of new matter into the disclosure.

The Amendment filed 3/9/2007 is objected to under 35 U.S.C. 132(a) for introduction of new matter into the disclosure.

Claim 1 is rejected under 35 U.S.C. 112, 1st paragraph for lack of enablement.

Claim 29 is rejected under 35 U.S.C. §102(b) as being anticipated by US 6,701,677 to Gresham et al. and as being anticipated by US 6,192,805 to Saylor et al.

The Drawings Illustrate Every Feature Specified in the Claims

The Examiner objected to the drawings for not showing every feature of the invention specified in the claims, namely, "a wall and more than half of a surface area of the wall is perforated." The Examiner suggested adding a reference for "a wall and more than half a surface of the wall is perforated." (Item 1 of the Office Action). Applicant respectfully disagrees that the drawings fail to show every feature of the invention specified in the claims.

With reference to Figures 1, 4, and 5 – 7, the cable retaining member or net 3 of the invention is clearly referenced and illustrated. It is readily apparent to one of ordinary skill that the retaining member or net 3 includes a wall thereby trapping the electrical cables and peripherals between the wall formed by the net and the rigid

member 1 (as depicted in Figure 2). Per the Examiner's suggestion, reference numeral 3a has been added to Figures 1 and 4 to more clearly point out the wall of the net 3 (see Replacement Drawing Sheet attached hereto in the Appendix). It is common knowledge that "a wall" includes "a surface area." Furthermore, reference numeral 3b has been added to Figures 1 and 4 to clearly point out the perforations or apertures in the wall 3a of the retaining member/net 3. As to the feature of claim 1 of "more than half of a surface area of the wall is perforated", it is readily apparent that the perforations or apertures 3b comprise more than half of the surface area of the wall of the retaining member/net 3. This is true because a person of ordinary skill in the art would recognize from inspecting at least Figures 1 – 4, that the collective surface area of the perforations or apertures 3b (FIG. 1), is greater than the collective surface area of the strand elements that make up the net 3 (FIG. 1). In fact, the surface area of the perforations is more than double the surface area of the strands of the net.

In addition, by way of this amendment, the paragraph on page 3, lines 12 – 22 of the specification has been amended to properly call out and refer to the wall/wall surface area 3a and the apertures 3b with reference to Figures 1 - 4.

For purposes of clarification, claim 1 has been amended. First, the term "associated" has been inserted in connection with the claim limitation "cable" to clarify that the cable does not form part of the claimed invention. For this same reason and to maintain proper consistency of antecedent basis, the term "associated" has been inserted into dependent claims 12, 15, and 18 where appropriate. Second, reference to the claim limitation of a "wall" in claim 1 is unnecessary and has been removed to further simplify any new matter issues. Third, the remaining portion of claim 1 has been slightly reworded to further clarify that "the cable retaining member is perforated such that more than half of a surface area of the cable retaining member comprises apertures." The only new substantive term that appears as a result of this amendment is the term "apertures" which as mentioned above is not only supported by reference to Figures 1 and 4 reference numeral 3b, but also in the detailed description at page 1, line 27 – page 2, line 3. Moreover, the term "aperture" can be found in originally filed claim 12. Thus, no new matter has been added.

As such, claim 1 is properly supported by at least Figures 1 - 4 as well as the

specification of the originally filed application and because Applicant has added reference numerals as suggested by the Examiner, the drawing objections should now be withdrawn.

Section Headings and Arrangement of the Specification

Applicant has adopted the Examiner's suggestion to insert section headings where appropriate as provided in 37 CFR 1.77(b) (Item 2 of the Office Action). These amendments are provided in detail on page 3 of this paper.

The Amendment Filed 9/14/07 Does Not Introduce New Matter

The Examiner contends that in claim 1 lines 4-5 "the cable retaining member including a wall, wherein more than half a surface area of the wall is perforated" is added material that is not supported by the original disclosure (Item 3 of the Office Action). Applicant respectfully disagrees. Applicant reiterates that support for the previous amendment to claim 1 can be found in the description and drawings of the application. In particular, page 1, line 27 – page 2, line 3 of the original application states,

"The flexible [cable retaining] member preferably comprises an elasticated net. The net is preferably elastic enough to permit relatively bulky electrical plug appliances such as mobile phone chargers to be pushed through the apertures of the net and held securely inside it. However, any flexible material with a sufficient number of apertures to allow heat to quickly dissipate from the cable is suitable for the flexible member."

Thus, the text of the original application discloses a net including heat dissipating "apertures" (which is synonymous with the net being "perforated" for the purpose of allowing "a flow of air past the cables" as recited in claim 1). The fact that the retaining member/net may include a wall having a wall surface, wherein "more than half of the surface area of the wall is perforated", is clearly supported by Figures 1-7 and 10-14. As stated previously and in the Amendment filed on 9/14/07, Figures 1 - 4 illustrate the flexible retaining member 3 having a wall 3a and a plurality of apertures 3b (see Replacement Drawing Sheet). The fact that wall 3a of the net 3 includes a surface area is entirely inherent and commonly understood. Finally, and as mentioned above, the

collective surface area of the apertures or perforations 3b (as illustrated in the embodiment of Figures 1 and 4) is greater than the collective surface area of the strand elements that make up the net 3. As such, it is readily apparent to a person of ordinary skill in the art, by mere inspection of Figures 1 – 4, that the perforations or apertures 3b consume more than half of the surface area of the wall 3a of the flexible retaining member 3.

The Amendment Filed 3/9/07 Does Not Introduce New Matter

The Examiner asserts that claims 24 and 26, which were added by way of the Amendment filed on March 9, 2007, are objected to for the reason that they introduce new subject matter into the disclosure of the invention which is not supported by the original disclosure (Item 4 of the Office Action). Applicant respectfully disagrees.

As explained in the Amendment filed 9/14/07, claim 24 recites,

“A receptacle for receiving an associated electrical cable and or an associated electrical plug appliance, the receptacle comprising a one piece substantially rigid stand member including a generally horizontal portion, a generally vertical portion, and a curved trough portion; and a flexible cable retaining member attached to one of the generally horizontal portion or the generally vertical portion of the stand member for resiliently retaining the associated electrical cable between the retaining member and the stand member, the retaining member including a plurality of apertures for allowing a flow of cooling air past the associated electrical cable and or the associated electrical plug appliance.”

The limitation of “a one piece substantially rigid stand member” is supported at page 1, lines 25-27 of the original application which states that “the rigid stand member comprises a bent sheet which is preferably of plywood or moulded plastics, but metal or other rigid material may also be suitable.” On page 3 lines 13-14, the original application also supports the concept of a stand member being formed (as a single piece) by stating that the “rigid stand member 1 can be formed from a rectangular sheet of plywood bent to form a base 2 so that it can stand upright.” As such, and particularly when read in view of Figures 1-14, the original application explicitly discloses, a piece of plywood or “any suitable material” could be bent as necessary to form the base and or trough of the stand member such that it is of “one piece.”

As to the limitations of the stand member including “a generally horizontal

portion, a generally vertical portion, and a curved trough portion”, these limitations are clearly supported by Figures 1-14. For example, Figure 1, illustrates the retaining member 3 attached to a generally vertical portion of the stand member 1 and the same being supported by a generally horizontal portion or base 2. Furthermore, Figure 1 illustrates a curved trough portion which is also described as such on page 3 line 20 of the original application. Figures 1 and 10-12, also support the limitations of “a flexible cable retaining member attached to one of the generally horizontal portion or the generally vertical portion of the stand member for resiliently retaining the associated electrical cable between the retaining member and the stand member...” Lastly, Figures 2, 7, 10 and page 1 line 17 – page 2 line 4 of the application as filed support the limitation of “the retaining member including a plurality of apertures for allowing a flow of cooling air past the associated electrical cable and or the associated electrical plug appliance.” Specifically, page 1 lines 17-18 state, “a flexible cable retaining member which is so formed...while allowing a flow of air past the cable” and page 2 lines 3-4 state, “any flexible material with a sufficient number of apertures to allow heat to quickly dissipate from the cable is suitable for the flexible [cable retaining] member.”

Claim 26, which depends from claim 24, recites the additional limitation of, “...wherein the vertical portion of the stand member includes a plurality of studs, the studs having an enlarged head portion, the at least one strap being removably received onto the enlarged head portions of the plurality of studs for securing the retaining member to the stand member.” The limitations of a stud with an enlarged head portion and a strap being received onto the head to secure the retaining member to the stand member are nearly identical to those recited in claim 8 as originally filed. These limitations are additionally supported by Figures 10-14 and on page 5 lines 15-16 of the original application which state, “The strap is connected removably to the rigid member by studs with enlarged heads or the like...”

As such, claims 24 and 26 do not introduce new matter and find adequate support in one or more portions of the application, namely, the figures, the claims, and the specification.

The Original Specification Provides Adequate Support for Claim 1 Satisfying the

Enablement Requirement of 35 U.S.C. 112, 1st paragraph

The Examiner has rejected Claim 1 asserting that the specification does not reasonably provide enablement for the cable retaining member including “a wall, wherein more than half of a surface area of the wall is perforated.” (Item 5 of the Office Action). Applicant respectfully disagrees.

The Examiner correctly notes that MPEP §2163.05 states, with respect to changes to the scope of the claims, that “to comply with the written description requirement of 35 U.S.C. 112, 1st paragraph ... each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.” However, the Examiner subsequent statement, “Please note that the claim 1 must conform to the invention as set forth in the remainder of the specification and the terms and phrases used in the claim 1 must find clear support or antecedent basis in the description so that the meaning of the terms in the claims may be ascertainable by reference to the description, see MPEP 608.01(d)(1)”, does not appear in MPEP 608.01(d)(1) as cited by the Examiner. On the other hand, MPEP §2163.02 does state that, “the subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.”

As discussed above, with respect to Items 1 and 3 of the Office Action, the detailed description and the Figures of the instant application adequately support all of the limitations of currently amended claim 1. In fact, the Figures alone expressly, implicitly, or inherently support the limitation of the cable retaining member being perforated such that more than half of a surface area of the cable retaining member comprises apertures. It is readily apparent to one of ordinary skill that the retaining member or net 3 includes or forms a wall 3a and furthermore it is common knowledge that the wall 3a includes “a surface area.” (see revised Figures 1 and 4). Moreover, the application teaches on page 1 lines 17 - 20 (and depicted in Figure 2) that the cable retaining member/net “is so formed as to resiliently retain the cable against the stand while allowing a flow of air past the cable.” Thus, it is implicit or inherent that the net forms a wall having a surface area that resiliently retains the cables against the stand.

As to the feature of claim 1 of “the cable retaining member is perforated such that more than half of a surface area of the cable retaining member comprises apertures”, it

is readily apparent, implicit, and or inherent that the apertures (or perforations) 3b comprise more than half of the surface area of the wall of the retaining member/net 3. This is true for at least the reason that a person of ordinary skill in the art would recognize by inspection of the Figures of the application as filed that the collective surface area of the perforations or apertures 3b (FIG. 1), is greater than the collective surface area of the strand elements that make up the net 3 (FIG. 1).

Thus, all of the limitations of claim 1, as currently amended, are properly supported and enabled by the specification and or the drawings such that the rejection under 35 U.S.C. §112, 1st paragraph should be withdrawn.

Claim 29 is Not Anticipated by US 6,701,677 to Gresham et al.

The Examiner asserts that Gresham teaches a receptacle for an associated electrical cable 34 comprising a substantially rigid stand member 20; a flexible cable retaining member 44,45 mounted to the stand member, said cable retaining member comprising a net 28; and the stand and the cable retaining member cooperate to resiliently retain the associated cable between them (Item 6 of the Office Action).

Applicant respectfully disagrees that pouch 28 could be seen as the flexible cable retaining member or net of claim 29. First, Gresham fails to teach that the pouch 28 could be a net. The Examiner cites to Figure 2 and entire column 3; however, Applicant is unable to determine what structure or language that the Examiner contends illustrates or teaches the use of a net. It is possible that the Examiner has mistaken the dashed lines in Figures 2 and 3 for the perforations of a net. In reality, these dashed lines illustrate the phantom or hidden portions of the pouch 28 that are obscured by the covering 23, such as the left and right edges 29, 30 of the pouch 28. In a similar fashion, dashed lines show an obscured portion of the wire 34 in Figure 3 of Gresham. As such, this use of dashed lines by Gresham cannot be interpreted as teaching the use of a net.

Moreover, column 3 of Gresham explains that the pouch 28 could be subdivided so as to segregate materials (e.g. personal items, purse, etc.) stored in the pouch 28. If the pouch 28 of Gresham were actually formed from a net, this would appear to go against the teaching of Gresham since the personal items would likely fall out of the net.

Furthermore, unlike the present invention, the pouch of Gresham is not intended to provide any apertures for the purposes of heat dissipation of the cables as taught by the present invention. Rather, the pouch 28 is an “enclosure” which not only poses safety concerns but is explicitly taught against in the present application (page 1 lines 11-14).

Lastly, the pouch 28 of Gresham is not formed so as to resiliently retain the wires 34 between itself and the partition 20. The wires 34 simply reside within the pouch 28 which is suspended or attached to the flexible covering 23 (as opposed to a substantially rigid stand member as required by claim 29).

Accordingly, claim 29 is not anticipated by Gresham and is now in condition for allowance.

Claim 29 is Not Anticipated by US 6,192,805 to Saylor et al.

The Examiner asserts that Saylor teaches a receptacle for an associated electrical cable 14 comprising a substantially rigid stand member 13; a flexible cable retaining member 10 mounted to the stand member, said cable retaining member comprising a net (referring to Figs. 3-4); and the stand and the cable retaining member cooperate to resiliently retain the associated cable between them (Item 7 of the Office Action).

Applicants respectfully disagree. Saylor does not anticipate claim 29 for at least the reason that Saylor fails to teach the cable retaining member as being “a net.” The Examiner refers to Figures 3 and 4 of Saylor for the proposition that Saylor teaches “a net.” On the contrary, all of the Figures of Saylor teach only a storage bin 10. As illustrated and described by Saylor, the bin 10 includes a generally rectangular planar bottom wall 20, a front wall 23, a rear wall 24, and two pairs of side walls or flaps 35, 45 (column 3 lines 32-56, Figures 1-5). Nowhere does Saylor teach or even suggest the use of a “net” as taught by the instant invention. Once again, it is possible that the Examiner has mistaken the dashed lines in Figures 3 and 4 of Saylor for the perforations of a net. On the contrary, these dashed lines illustrate the phantom or hidden portions of the bin 10 such as: the curved free side edge 50 that forms part of the inner half of the bin 10 (see Fig. 5); the bottom edge 52 of the side wall part 45 (see Fig. 5); and the inner surface 71 of the rear wall 24. In addition, Figure 5 of Saylor also

illustrates dashed lines for the purpose of showing the creases (21, 34, 44) where the individual portions of the sheet material are folded to form the bin (see col. 3 line 27 through col. 4). As such, this use of dashed lines by Saylor cannot be interpreted as teaching the use of a net. Quite simply, no net is taught. Rather, Saylor only discusses “a thin, unitary and semi-rigid sheet 15 of plastic material, such as polypropylene. The sheet 15 has limited flexibility and is foldable to define the overall shape of the storage bin 10...” (see col. 3 lines 27-32).

In addition, the Examiner maintains that the limitation of a rigid stand member is taught by a rear edge 13 of the work surface 11 of Saylor. To this extent, Applicant again reiterates that the rear edge 13 of Saylor does not comprise part of the bin or receptacle in which the cable is retained as required by claim 29. Furthermore, Saylor neither describes nor illustrates the cable 14 as being retained between the bin 10 of Saylor (cable retaining member) and the stand/rear edge 13 (again noting that the rear edge 13 is not actually “a stand” that is part of the cable receptacle or bin 10). At best, Saylor illustrates the cable 14 as simply laying on an upper surface 12 of the work surface 11 and entering through an opening 60A of the bin 10.

Thus, for the reasons discussed above, claim 29 is not anticipated by Saylor and is condition for allowance.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (1-18, 22 and 24-29) are now in condition for allowance. It is submitted that the foregoing comments do not require unnecessary additional search or examination.


A one (1) month extension of time is requested and payment for same is provided herein. No other fees are believed to be due by way of this Amendment. However, if another fee is due, the undersigned attorney of record hereby authorizes the charging of any such fee(s), except for the issue fee, to Deposit Account No. 06-0308.

In the event, the Examiner considers personal contact advantageous to the disposition of this case, he is encouraged to call the undersigned at the phone number listed.

Respectfully submitted,

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March 16, 2008
Date


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CERTIFICATE OF MAILING OR TRANSMISSION

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
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Date March 17, 2008	Printed Name Kathleen A. Nimrichter

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Appendix